

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.) Case No. 1:17-cr-00224-AT-CMS
)
ALLEN J. PENDERGRASS,)
Defendant.)
)

UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING

Comes now attorney Saraliene Durrett and hereby requests an continuance of the sentencing hearing in this case. In support whereof, counsel shows the following:

Mr. Pendergrass was indicted in the present case on June 27, 2017. Doc. 1. He was charged with five counts of mail fraud (18 U.S.C. § 1341), one count of money laundering conspiracy (18 U.S.C. § 1956(h)), and four counts of aggravated identity theft (18 US.C. § 1028A). After a five-day trial, he was convicted on all counts. At the close of the government's case, defense counsel moved for a judgment of acquittal on all counts. Doc. 265 at 211. This motion was renewed at the close of all evidence. Doc. 266 at 44. The Court denied this motion. Doc. 66 at 45.

Mr. Banks has filed a renewed motion for judgment of acquittal and a motion for new trial. Docs. 267, 268. These motions remain pending.

Sentencing is set for March 10, 2022. Doc. 251. Mr. Pendergrass now asks this Court to continue his sentencing hearing until after it rules on his pending motions.

Counsel has emailed with AUSA Tracia King, who has no objection to this request.

Because Mr. Pendergrass has already pleaded guilty, the Speedy Trial Act has no impact on this request.

For all of these reasons, Mr. Pendergrass now asks that this Court continue his sentencing hearing to a date after the pending motions have been decided.

Respectfully submitted this 2nd day of March 2022.

/s/Saraliene Smith Durrett
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